

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAALI, LLC,
Plaintiff,

v.

ACCEPTANCE INDEMNITY
INSURANCE COMPANY,
Defendant.

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Case No. _____

(Removed from The Circuit Court of St.
Louis City, State of Missouri, Case 222-
CC00433)

JURY TRIAL DEMANDED

ACCEPTANCE INDEMNITY INSURANCE COMPANY'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Acceptance Indemnity Insurance Company ("Acceptance" or "Defendant") hereby removes the action styled and numbered *Maali, LLC v. Acceptance Indemnity Insurance Company*, Case No. 2222-CC00433 (the "State Court Action") pending in the Circuit Court of St. Louis City, State of Missouri, to the United States District Court for the Eastern District of Missouri. In support of this Notice of Removal, Acceptance states the following:

I.

VENUE IS PROPER

1. Venue is proper in the United States District Court for the Eastern District of Missouri, Eastern Division, under 28 U.S.C. § 1441(a) because this district and division have jurisdiction over the geographical area where the State Court Action is pending.

II.

BASIS FOR REMOVAL

2. Removal of this action is proper under 28 U.S.C. § 1441 because it is a civil action brought in a state court and the federal courts have original jurisdiction over the subject matter pursuant to 28 U.S.C. § 1332. Specifically, removal is proper because there is now, and

was at the time this action was filed, complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds \$75,000 excluding interest and costs.

3. Plaintiff Maali, LLC is a limited liability company organized under the laws of the State of Missouri with its principal place of business located in the City of St. Louis, Missouri. (Ex. A, Plaintiff's Petition ¶ 1). Based upon publicly available information, Plaintiff is an LLC with one member, Abdulla Motan Maali, who is a Missouri citizen residing at 241 Oakbriar Farm Dr., in Ballwin, Missouri, 63021. Because Plaintiff's sole member is a citizen of the State of Missouri, Plaintiff is a citizen of Missouri for purposes of diversity jurisdiction. *See e.g., E3 Biofuels, LLC v. Biothane, LLC*, 781 F.3d 972, 975 (8th Cir. 2015) ("An LLC's citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members.") (internal citation omitted).

4. The State Court Action concerns real property located at 5805 Natural Bridge, St. Louis, Missouri 63120. (Ex. A at ¶ 1).

5. Defendant Acceptance is an insurance carrier organized under the laws of the State of Nebraska, with its principal place of business in North Carolina.

6. Based on the foregoing, there is now, and was at the time this action was filed, complete diversity of citizenship between Plaintiff and Defendant.

III. **AMOUNT IN CONTROVERSY**

7. Removal is proper if it is apparent from the face of the complaint that the amount in controversy exceeds the jurisdictional requirement. *See e.g., Freeman v. MH Equip. Co.*, No. 4:15CV1473 CDP, 2015 WL 7075967, at *2 (E.D. Mo. Nov. 13, 2015) ("Where a review of the face of the complaint alone shows the amount in controversy to exceed \$75,000, the defendant satisfies its burden of proving the jurisdictional amount by a preponderance of the evidence.").

8. Plaintiff's Petition in the State Court Action alleges that the disputed amount exceeds \$188,461. (Ex. A at ¶ 22, stating that "Plaintiff made a demand of \$107,962.10 for the Property and \$80,498.97 for the Business personal property under the Policy.")

9. Accordingly, removal is appropriate in this matter because complete diversity exists between Plaintiff and the Defendant, and Plaintiff seeks an amount greater than \$75,000.00, as required by 28 U.S.C. § 1332.

IV.
REMOVAL IS TIMELY

10. Plaintiff filed its Petition in the State Court Action on March 15, 2022. (Ex. A, timestamp on right side of Petition).

11. On April 19, 2022, Plaintiff effected substitute service of the Petition upon the Missouri Department of Insurance. (Ex. A.)

12. Accordingly, removal is timely pursuant to 28 U.S.C. § 1446 as it is made within thirty (30) days of substitute service of the Petition upon the Missouri Department of Insurance.

13. Acceptance has not answered, moved, or otherwise responded to the Petition in the State Court Action and no other proceedings have occurred heretofore in this action.

V.
COMPLIANCE WITH 28 U.S.C. § 1446

14. Pursuant to 28 U.S.C. §1446(d), contemporaneously with this filing, Defendant will serve a Notice of Filing Notice of Removal on Plaintiff's counsel and the Court Clerk of the Circuit Court of St. Louis City.

15. A complete copy of all pleadings and documents from the State Court Action is attached hereto and incorporated by reference herein as Exhibit B.

16. Defendant makes no admission of liability and expressly reserves the right to raise all defenses and objections to Plaintiff's claims after the action is removed to the United States District Court for the Eastern District of Missouri, including, without limitation, any objections to venue and to the merits and sufficiency of Plaintiff's pleadings.

WHEREFORE, Acceptance Indemnity Insurance Company respectfully requests that this action be removed from the Circuit Court of St. Louis City, State of Missouri to the United States District Court for the Eastern District of Missouri Court, and that this Court enter such further orders as may be appropriate and just.

Respectfully submitted this 19th day of May, 2022.

ZELLE LLP

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CERTIFICATE OF SERVICE

This will certify that on the 19th day of May 2022, I electronically transmitted the attached document to the Clerk of the Court using ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following recipients:

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ATTORNEYS FOR PLAINTIFF

This 19th day of May, 2022.

/s/ Robert L. Brady

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